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March 10, 2015

MEMO ENDORSED

VIA ECF & FAX

Honorable Colleen McMahon
United States Courthouse
500 Pearl Street
New York, NY 10007

OK
Colleen McMahon
3/11/15

Re: Rhoda, et al. v. Rhoda, Case No. 14-cv-6740 (CM) (RLE)


Dear Judge McMahon:

This firm is counsel to plaintiffs Hilary Rhoda and HRH Group, Inc. in the referenced action. On February 23, 2015, in response to a letter from undersigned counsel notifying the Court that defendant Marianne Rhoda had failed to appear at her duly noticed and court-ordered deposition in this action, Your Honor advised plaintiffs, "You may make your preclusion motion as a cross-motion to the motion [of defendant's attorney] to withdraw as counsel, or make it after I decide the motion to withdraw." (Doc. # 48.) On February 27, 2015, prior to plaintiffs filing such a motion, the Court granted defendant's counsel's motion to withdraw, established a thirty-day period for defendant to obtain new counsel, and imposed a stay of this action for that thirty-day period. (Doc. # 52.)

I write to advise the Court that, in deference to the stay and Ms. Rhoda's present (albeit temporary) lack of counsel, plaintiffs will respectfully refrain, for the time being, from filing a motion for sanctions based upon Ms. Rhoda's failure to appear at her deposition. Plaintiffs, however, are not waiving, but explicitly reserve, all of their rights on the issue, including the right to file their contemplated sanctions motions once the stay is lifted.

USDC SDNY
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Respectfully,


John J. Rosenberg
ROSENBERG & GIGER P.C.
Counsel for Plaintiffs

cc: Marianne K. Rhoda (via ECF)